

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,

Petitioner,

v.

ROBERT BOSCH LLC,

Patent Owner.

CASE NO. IPR2016-00039

U.S. Patent No. 7,228,588

**PATENT OWNER'S UNOPPOSED MOTION FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

I. PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Patent Owner respectfully requests that the Board authorize withdrawal of its current lead counsel, Enrique W. Iturralde (Reg. No. 72,883).

Patent Owner further requests that the Board authorize Patrick R. Colsher (Reg. No. 74,955) to appear as lead counsel for Patent Owner in this proceeding.

II. STATEMENT SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL AND SUBSTITUTION OF COUNSEL

On October 30, 2015, Patent Owner filed a Power of Attorney designating the practitioners associated with Customer No. 26626 (Kenyon & Kenyon LLP), including Eric Schreiber (Reg. No. 58,771), and Mark Hannemann as its counsel in this proceeding. (Paper No. 5.) Patent Owner simultaneously filed its mandatory disclosures, naming Mr. Schreiber as its lead counsel and Mr. Hannemann as its back-up counsel, subject to the Board admitting Mr. Hannemann *pro hac vice*. (Paper No. 6.) On November 30, 2015, Patent Owner filed updated mandatory disclosures to note Mr. Hannemann's changed law firm affiliation from Kenyon & Kenyon LLP to Shearman & Sterling LLP. (Paper No. 11.) On December 29, 2015, the Board admitted Mr. Hannemann *pro hac vice* and authorized him to appear as back-up counsel. (Paper No. 12.)

On January 5, 2016, Patent Owner filed an unopposed motion to withdraw and substitute counsel, revoked its Power of Attorney to Kenyon & Kenyon LLP/Mr. Schreiber in this proceeding, (Paper No. 13), and appointed practitioner Enrique W. Iturralde (Reg. No. 72,883) of Shearman & Sterling LLP as its lead counsel and Mr. Hannemann as its back-up counsel, (Paper No. 14). On January 8, 2016, the Board granted Patent Owner's motion to withdraw and substitute. (Paper No. 15.)

As set forth in its updated Power of Attorney, filed concurrently herewith, Patent Owner has revoked its Power of Attorney to Mr. Iturralde in this proceeding, and appointed Patrick R. Colsher (Reg. No. 74,955) of Shearman & Sterling LLP as its lead counsel, and Mr. Hannemann as its back-up counsel. Therefore, Patent Owner respectfully submits that good cause exists for the withdrawal of Mr. Iturralde as lead counsel in this proceeding.

Patent Owner further requests that Mr. Colsher be designated as its new lead counsel. Mr. Hannemann, with whom Mr. Colsher works at Shearman & Sterling LLP, will continue as back-up counsel for Patent Owner. In designating the client's chosen counsel as new lead counsel, and in keeping Mr. Hannemann as back-up counsel, reasonable steps have been taken to avoid foreseeable prejudice to the rights of the client. *See* 37 C.F.R. § 10.40(a). Further, Patent Owner believes that granting this motion will not hinder the economy, the integrity of the

patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding. *See* 35 U.S.C. § 316(b).

III. PETITIONER DOES NOT OPPOSE THIS MOTION

Petitioner has indicated that it does not oppose the requested withdrawal and substitution of counsel for Patent Owner.

IV. CONCLUSION

Patent Owner respectfully requests that the Board grant this motion and (i) authorize withdrawal of Enrique W. Iturralde (Reg. No. 72,883) as lead counsel for Patent Owner in this proceeding, and (ii) authorize Patrick Colsher (Reg. No. 74,955) to appear as lead counsel for Patent Owner in this proceeding. Upon grant of this motion, Patent Owner's new lead counsel will promptly file updated mandatory disclosures.

DATED: May 31, 2016

Respectfully submitted,

Lead Practitioner for Patent Owner:

/Enrique W. Iturralde/
Enrique W. Iturralde
Reg. No. 72,883
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7707

Case No. IPR2016-00039
U.S. Patent No. 7,228,588

Proposed New Lead Counsel for Patent Owner:

/Patrick R. Colsher/

Patrick R. Colsher
Reg. No. 74,955
Shearman & Sterling LLP
599 Lexington Ave
New York, NY 10022
Tel: (212) 848-7708

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.